

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RYAN DILLON-CAPPS

Plaintiff,

vs.

OHANA GROWTH PARTNERS, LLC *et al*

Defendants

Civil Action

No. _____

Hon. _____

MEET AND CONFER LETTER TO ATTORNEY GENERAL ANTHONY BROWN

Plaintiff incorporates all subsequent sections and attachments herein by reference as though fully stated in this main document.

Greetings and Salutations to Attorney General Attorney Brown,

1 Recently, you presented oral arguments and outlined several reasons why immunity can be lost. With the highest level of respect, I acknowledge that the context of your argument was appropriate. However, the State of Maryland is fundamentally wrong in its approach to the legal principles surrounding the Eleventh Amendment, and this is not a new flaw.

2 The prohibitionary slogan of “The Free State” is rooted in the same ideology evident in *Baltimore City v. State*, where the State of Maryland violated the Appointments Clause. Despite Baltimore City being created by the federal government, Maryland’s infringement on its authority highlighted the same disregard for federal principles. During oral arguments in *AGC v. Marylyn Pierce*, the Bar Counsel openly admitted that since the 1970s, the powers officially appointed to them have been routinely delegated to staff.

3 The Governor and Chief Justice rely on professional input and nominations, and when legal professionals stand up and declare that there is a problem because the system lacks checks

and balances, the next step should not be formal proceedings against them. This does not require an investigation—it is common sense. It is a logistical fact that the insular nature of the system is fundamentally flawed, as it lacks genuine checks and balances in the processes for selecting Bar Counsel, the Director of Investigations, and County Administrative Judges.

4 If we want to discuss the historical basis of Maryland continuing to operate in the same way, it is important to recognize that the so-called "Free State" has historically acted in defiance of the Appointments Clause and federal supremacy. A state that disregards these principles is not doing so in the name of “freedom,” as the title "Free State" might suggest.

5 Instead, its foundation lies in the same reasons you are the first African American Attorney General for Maryland. Given your policies to dismantle barriers to opportunities and increase equality, this should not be news to you. The same reasoning underpins why Maryland has the highest percentage of Black individuals in its prisons. Clerk Ensor was not upset and emotional in her interview in *The Advocate* article of 2021 because an innocent person was going to jail—she was upset because she was unable to take away someone’s freedom in the name of what she believed to be justice.

6 This lawsuit should be seen as a win for Justice, Equality, and the State of Maryland. Eleventh Amendment immunity is for those whose actions are aligned with the State of Maryland, and for a State of Maryland that remembers that without its people, there is no sovereignty. To act against the equality of rights for all its citizens is to abdicate its sovereignty, and that is the substantive ruling for every single Supreme Court justice since the beginning. It just took a little while for “all” to include everyone, and today I obliterate immunity to preserve the rights and protections of all.

7 You have the power to declare support and condemn the actions of those who have consolidated power for their own benefit and not the State of Maryland. There are bigger issues than the ones documented in the filing, and the topic should be to address the systemic corruption, not to raise a defense or support efforts to diminish or defame me. There are two ways forward—the first is very public and loud, and the second is a collaborative, progressive, and voluntary step forward in support of systemic change.

8 The state-level negotiations request delegates, and there is some overlap in potential nominees from the Access to Justice Commission:

1. You, Attorney General Anthony Brown
2. Luke Clippinger, Maryland House of Delegates Judiciary Committee
3. Will Smith, Maryland State Senate Judicial Proceedings Committee

9 Additionally, I believe that Renee Hutchins Laurent would be a valuable addition to these negotiations.

With Hope for a Better Maryland,

RDC

RESPECTFULLY SUBMITTED

December 25, 2024

/s/ Ryan Dillon-Capps
Ryan Dillon-Capps

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